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La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - II

சிறப்பு வெளியீடு EXTRAORDINAIRE EXTRAORDINARY

அதிகாரம் பெற்ற
வெளியீடு

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GOVERNMENT OF PUDUCHERRY

DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT

No. 7736/DRDM/B1/2015.

Puducherry, the 10th February 2016.

NOTIFICATION

The following draft of certain rules, which the Lieutenant-Governor of the Union territory of Puducherry proposes to make in exercise of the powers conferred by sub-section (2) of section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) is hereby published, as required by section 112 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said Draft Rules

shall be taken into consideration after the expiry of a period of thirty days from the date of publication in the Official Gazette of Puducherry.

2. Objection or suggestion which may be received from any person with respect to the said Draft Rules within the period so specified shall be considered by the Government of Puducherry.

3. Objections or suggestions, if any, may be sent to the Special Secretary (Revenue), Department of Revenue and Disaster Management, Saram, Puducherry - 605 013.

Dr. S. SUNDARAVADIVELU, I.A.S.,
Special Secretary (Revenue).

DRAFT RULES

CHAPTER – I

General

1. *Short title, extent and commencement.*—(1) These rules may be called, ‘the Puducherry Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015’.

(2) They extend to the whole of the Union territory of Puducherry.

(3) They shall come into force on and from the date of their final publication in the Official Gazette.

2. *Definitions.*— (1) In these rules, unless the context otherwise requires,—

(a) “Aadhaar Number”, means a 12-digit unique identification number generated and issued to an individual by the Unique Identification Authority of India (UIDAI) after de-duplication of demographic and biometric information pertaining to that individual;

(b) “Act” means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013);

(c) “Administrator” means an officer appointed by the Government under sub-section (1) of section 43 of the Act;

(d) “Authority” means the Land Acquisition, Rehabilitation and Resettlement Authority established by the Union Territory Government under sub-section (1) of section 51;

(e) “Collector” includes the District Collector, Sub/Deputy Collector of the concerned Revenue Sub-Division or an officer designated by the Government to perform all or any of the functions of the Collector under the Act;

(f) “Commissioner” means the Commissioner of Rehabilitation and Resettlement appointed by the Government;

(g) “Consent-based Aadhaar authentication service” means electronic authentication carried out by the Unique Identification Authority of India (UIDAI), or agencies appointed by it after matching the biometric information of an individual at his request or with his consent, with the information maintained by the UIDAI in its own central servers and includes a 'Yes/No' response or a response containing the demographic information and photograph of that individual;

(h) “EIAS” means a study to be undertaken by the Department/ Agency appointed by the Government;

(i) “Form” means the Forms appended to these rules;

(j) “Government” means the Government of Union territory of Puducherry.

(k) “Landless” means a person who owns no land or who holds a total extent of less than half hectare of land of dry or a total extent of quarter hectare of wet, irrigated or garden land as defined in the Puducherry Land Grant Rules, 1975.

(l) “Section” means section of the Act;

(m) “SIA” means Social Impact Assessment;

(n) “Social Impact Assessment” means an assessment study being made under sub-section (1) of section 4 of the Act;

(o) “Social Impact Management Plan” means the plan prepared as part of Social Impact Assessment Study under sub-section (6) of section 4 of the Act;

(p) “SIA Unit” means a Department or an agency appointed by the Government to carry out the Social Impact Assessment Study and prepare Social Impact Management Plan;

(2) Words and expressions used and not defined in these rules, but, defined in the Act, shall have the meanings respectively assigned to them in the Act.

CHAPTER – II

Requisition of Land Acquisition

3. *Requisition for Land Acquisition.*— (1) Any Requiring Body or its representative duly authorised by it for whom land is to be acquired, shall after approval of the Government, submit a requisition to the concerned Collector in Form-I together with the following documents, as the case may be:

- (i) Detailed project report;
- (ii) Sanction letter of project;
- (iii) Three copies of Record of Rights and revenue maps of the affected areas;
- (iv) Information about the classification of land that is irrigated, multi-cropped, single cropped, waste land, etc.;
- (v) Land Plan and schedule;
- (vi) Details of Agricultural and irrigated multi-cropped lands with Adangal copies;
- (vii) Clearance from the Commissioner, Hindu Religious Institutions in the event of acquisition of temple land;
- (viii) Fund Availability Certificate; and
- (ix) Approval of Government for invoking urgency provision and/or exempting SIA.

(2) In case of acquisition for Government, the request shall be filed by an officer not below the rank of Head of the concerned Department with the approval of the Administrative Secretary concerned.

(3) If the requisition includes irrigated multi-cropped and/or agricultural land, the Collector shall constitute a team of officers consisting of officers from Revenue Department, Agriculture Department, Forest Department, Ground Water Authority, Town and Country Planning Department or any other Department as the Collector deems necessary

to visit the spot along with the representatives of Requiring Body to make a preliminary enquiry regarding—

- (a) Availability of waste or arid land;
- (b) Correctness of the particulars furnished in the request under sub-rule (1) of rule 3;
- (c) Bare minimum land required for the project; and
- (d) Whether the request is consistent with the provisions of the Act.

(4) The team shall submit a report to the Collector comprising of the following, namely,—

- (a) That the proposed acquisition of land serves public purpose;
- (b) That the extent of land proposed for acquisition is the absolute bare minimum needed for the purpose/project;
- (c) That the acquisition of land at an alternative place has been considered and found not feasible;
- (d) That there is no sufficient/suitable unutilised land which has been previously acquired in the area;
- (e) That the land, if any, acquired earlier and remained unutilised, may be used for such public purpose;
- (f) That the requisition is consistent or contrary to the provisions contained in section 10/other provisions of the Act; and
- (g) The recommendations of the team.

(4) If the Collector, based on the report of the team, other information available with him and instructions issued by the Government in this regard, is satisfied that the requisition is consistent with the provisions contained in section 10, he shall pass a speaking order to this effect. If he is not satisfied that the requisition is consistent with the said provisions, he shall record the reasons in writing and return the requisition to the Requiring Body.

(5) If the Collector is satisfied that the request is consistent with the provisions of the Act, he shall make a preliminary estimate of the cost of the acquisition as defined in clause (i) of section 3.

4. *Administrative cost for acquisition of lands.*— (1) The administrative cost in terms of paragraph (A) of sub-clause (vi) of clause (i) of section 3 of the Act for acquisition of land for the Requiring Body to be deposited to the Collector shall be equal to 10 per cent of the amount of compensation subject to a maximum of ₹ 5 crores.

(2) The administrative cost shall be utilised for updating the land records based on state on ground study to be undertaken by Revenue and Survey officials like Village Assistant, Village Administrative Officer, Tahsildar/Deputy Tahsildar, Field Surveyor, Deputy Surveyor, Field Assistant, D'Man and Clerical Assistants.

5. *Manner of depositing cost of acquisition by Requiring Body.*— The District Collector will inform the Requiring Body to deposit the estimated cost of acquisition in his office within a period as may be specified by him and the Requiring Body shall deposit the same within the period specified by the District Collector without which the process under the Act shall not continue. The Requiring Body shall deposit the balance cost of acquisition after final estimation is prepared by the Collector and if any excess amount is awarded by the authority or a Competent Court, the same shall be deposited by the Requiring Body by way of bank cheque/draft to the Collector as and when so required. The Collector shall deposit the same in the Public Account of Government of Puducherry under the Head of Account “8443 – Civil Deposits, 800 – Other Deposits”.

CHAPTER – III

Social Impact Assessment

6. *Acquisition under urgency provisions and exemption from social impact assessment study.*— Where any land is required to be acquired by the Requiring Body by invoking urgency provisions under section 40, the Collector shall submit a proposal to the Government seeking permission to issue preliminary notification under urgency provisions giving cogent reasons submitted by the Requiring body therefor, approximate cost of land acquisition and or for exemption from undertaking social impact assessment study in such acquisition. The Government shall examine the proposal and if notified that urgency provision may be resorted to, communicate its decision to the Collector. The Collector thereafter shall proceed with the acquisition in accordance with the Act and these rules.

7. *Social impact assessment study.*— (1) The Government shall, for the purposes of the Act, issue a notification for carrying out Social Impact Assessment in accordance with Part A of Form-II and the same shall be published in the affected areas in terms of sub-section (2) of section 4 of the Act by public affixture in the Village Commune Panchayat or Municipality concerned/Office of the District Collector, Sub/Deputy Collector (Revenue)/Taluk Office concerned:

Provided that such notification shall be issued within a period of thirty days from the date of deposit of the processing fee for carrying out the Social Impact Assessment study by the Requiring Body, which shall be determined in accordance with sub-rule (1), rule 8.

(2) The Social Impact Assessment study shall commence within 30 days from the date of issue of such notification in consultation with Commune Panchayat/Municipality concerned as the case may be in the affected areas for the purposes of section 4 of the Act, the proposal of the Requiring Body shall be forwarded to the Village Panchayat/Municipality for furnishing their concerns about the proposal. If no feedback is received within thirty days, it will be deemed that the consultation is over. In case of non-existence of the elected councils in the Commune Panchayat/Municipality, the Commissioner of Commune Panchayat/Municipality concerned, shall publish the summary of the proposal by public affixture in his office and upload in the official website and call for views of the public within thirty days.

(3) A public hearing at the affected areas by giving adequate publicity about the date and time and venue for the public hearing, to ascertain the views of the affected families, shall be conducted by the Social Impact Assessment Unit which shall be recorded in writing.

(4) The Social Impact Assessment report shall be submitted in Form-III to the Government within a period of six months from the date of its commencement and shall include the views of the affected families recorded in writing.

(5) The Social Impact Management Plan listing the ameliorative measures required to be undertaken for addressing the impact of the project under sub-section (6) of section 4 shall be submitted in Form IV to the Government.

(6) The State Social Impact Assessment Unit notified by the Government for the purposes of the Act shall be responsible for ensuring that Social Impact Assessments are commissioned and conducted by such person or Bodies other than the Requiring Body as per the provisions of the Act.

(7) The State Social Impact Assessment Unit shall undertake the following tasks namely:—

(a) Build and continuously expand a State Database of Qualified Social Impact Assessment Resource Partners and Practitioners, which will serve as a network of individuals and institutions with the required skills and capacities to conduct SIAs for land acquisition and rehabilitation and resettlement;

(b) Respond immediately to the Collector's request for a Social Impact Assessment to be conducted by preparing a project-specific terms of reference;

(c) Conduct training and capacity building programmes for the Social Impact Assessment team and community surveyors and make available manuals, tools, comparative case study reports and other materials required for the analysis;

(d) Provide ongoing support and corrective action, as required during the Social Impact Assessment process;

(e) Ensure that the transaction based web-based workflow for Social Impact Assessments and Management Information System for land acquisition, rehabilitation and resettlement as specified in rule 15 is maintained;

(f) Maintain catalogue of all Social Impact Assessments and associated primary material; and

(g) Continuously review, evaluate and strengthen the quality of Social Impact Assessments and the capacities available to conduct them across the Union Territory.

8. *Terms of Reference (ToR) and processing fee for the SIA.*—

(1) Where the Government intends to acquire land, the proposal for such land acquisition shall be sent along with all the relevant documents to the State Social Impact Assessment Unit and it shall—

(a) Prepare a detailed project-specific ToR for each proposal of land acquisition, listing all the activities that must be carried out indicating the appropriate team size (including the field teams) and profile of the team members and stipulate the schedule and deadlines for key deliverables for the Social Impact Assessment as detailed in Part-B of Form-II to these rules; and

(b) Determine an estimated Social Impact Assessment fee based on the ToR with clear break-up of costs for each item or activity the fee amount shall be based on defined parameters including area, type of project and number of affected families.

(2) Ten percent of the Social Impact Assessment fee shall be allocated to Social Impact Assessment Unit as administrative expenses for preparing the Terms of Reference (ToR) and Social Impact Assessment Report.

(3) The Requiring Body shall deposit the Social Impact Assessment fee at the disposal of the Collector.

9. *Selection of the Social Impact Assessment Team.*— (1) The State Social Impact Assessment Unit shall be responsible for selecting the Social Impact Assessment Team for each project from the experts and institutions registered or empanelled in the State Database of Qualified Social Impact Assessment Resource Partners and Practitioners.

(2) The Requiring Body shall not be involved in any way in the appointment of the Social Impact Assessment team being appointed to carry out the Social Impact Assessment.

(3) The size and selection criteria for the SIA Team shall be as per ToR developed by the State SIA Unit.

(4) The SIA team may be constituted by appointing individuals or an organisation with experience in conducting SIAs or related field-based assessments and the team may include (a) combination of independent practitioners, qualified social activists, academics, technical experts who are not directly connected with the Requiring Body; and (b) at least one woman member.

(5) A team leader shall be appointed from amongst the SIA Team to liaison with the State SIA Unit throughout the assessment period.

(6) While selecting the SIA Team, it is to be ensured that there is no conflict of interest involving the team members appointed to assess the concerned project.

(7) All the team members shall be required to submit a written declaration that he or any family member of him is not directly or indirectly receiving any benefit from the Requiring Body or any other stakeholder in the project and if at any stage, it is found that any team member or any family member of the team member directly or indirectly receives any benefit from the Requiring Body or any other stakeholder in the project, the said member shall be disqualified apart from other legal proceedings being initiated against him in accordance with law.

10. *Process of conducting the Social Impact Assessment.*— (1) The SIA Team shall collect and analyse a range of quantitative and qualitative data, undertake detailed site visits, use participatory methods such as focused group discussions, participatory rural appraisal techniques and informant interviews in preparing the Social Impact Assessment report.

(2) All relevant project reports and feasibility studies shall be made available to the SIA Team throughout the SIA process, as required. Any request for information from SIA Team shall be met at the earliest by the concerned department/agency of the Government.

(3) A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar projects shall be conducted by the SIA Team. The assessment shall determine the following, namely:—

(a) Area of impact under the proposed project, including both land to be acquired and areas that will be affected by environmental, social or other impacts of the project;

(b) Area and location of land proposed to be acquired for the project;

(c) Whether the land proposed for acquisition is the bare minimum required;

(d) Possible alternative sites for the project and their feasibility;

(e) Whether the land proposed for acquisition is irrigated multi-cropped land and if so, whether the acquisition is a demonstrable last resort;

(f) Land, if any, already purchased, leased or acquired and the intended use for each plot of land required for the project;

(g) The possibility of use of any public or unutilised land for the project;

(h) Nature of the land, present use and classification of the land and if it is an agricultural land, the irrigation coverage for the said land and the cropping pattern;

(i) Whether the special provisions with respect to food security have been adhered to in the proposed land acquisition;

(j) Size of landholdings with ownership details;

(k) Number of residential houses, shops, public and private infrastructure and assets affected; and

(l) Land prices in the locality, recent changes in ownership and use of lands over the last three years.

(4) Based on the land assessment, land records and field verification, the SIA Team shall provide an accurate estimate of the number of affected families and the number of displaced families among them and ensure that all affected families are enumerated :

Provided that where enumeration is not possible, a representative sample assessment shall be done by the SIA Unit.

(5) A socio-economic and cultural profile of the affected area must be prepared, based on available data and statistics, field visits and consultations as per Form-III. The parameters and table of contents for the Social Impact Assessment study and the Social Impact Management Plan are given in Form-III :

Provided that in projects where resettlement is proposed, the identified resettlement sites shall be visited and a brief socio-economic profile of the land and its current resident population shall be indicated.

(6) Based on the data collected in the processes listed above and in consultation with the affected communities and key stakeholders, the SIA Team shall identify and assess the nature, extent and intensity of the positive and negative social impacts associated with the proposed project and land acquisition as per Form-III (Part-B).

(7) The SIA process includes the preparation of a Social Impact Management Plan (SIMP) in Form-IV which will present the ameliorative measures to be undertaken to address the social impacts identified in the course of the assessment. The SIA Team must assess the viability of impact mitigation and management strategies with clear indication of cost, timelines and capacities. The SIMP shall include the following measures—

(a) That have been specified in the terms of rehabilitation and resettlement and compensation for all the categories of affected families as outlined in the Act;

(b) That the Requiring Body has undertaken to perform the project proposal and other relevant project documents; and

(c) The additional measures to be undertaken by the Requiring Body in response to the findings of the SIA process and public hearings.

(8) The Social Impact Assessment must provide a conclusive assessment of the balance and distribution of the adverse social impacts and social costs and benefits of the proposed project and land acquisition, including the mitigation measures, and provide an assessment as to whether the benefits from the proposed project exceed the social costs and adverse social impacts, that are likely to be experienced by the affected families or even after the proposed mitigation measures, the risks expected to be faced by the affected families of being economically or socially worse, as a result of the said land acquisition and resettlement.

11. *Process for conducting public hearings.*— (1) Public hearing shall be held in the affected areas to bring out the main findings of the Social Impact Assessment, seeking feedback on the findings and to seek additional information and views for incorporating the same in the final documents.

(2) Public hearings shall be conducted in all Gram Sabhas where members are directly or indirectly affected by the acquisition of the land:

(3) (i) The date and venue of the public hearing must be announced and published three weeks in advance through public notifications and posters in all the villages within a radius of five kilometers of the land proposed to be acquired;

(ii) Advertisement in local newspapers, radio and through direct communication with Gram Panchayat or Municipal Ward representatives and by uploading the information on the website of the Government may be issued.

(4) (i) The draft Social Impact Assessment report and Social Impact Management Plan shall be published in the local language three weeks prior to the public hearing and distributed to all affected Gram Panchayats and Municipal Offices. One copy of the draft report shall be made available in the District Collector's Office.

(ii) The Requiring Body may also be served with a copy of the draft report. Adequate copies of the report and summaries shall be made available on the day of the public hearing. Accessible displays and other visual shall be used to share the findings of the Social Impact Assessment report.

(5) (i) A member of the Social Impact Assessment Team shall facilitate the public hearing which shall be organised through the local administration with the designated Government officers at appropriate level.

(ii) The Gram Panchayat or Municipal Ward representatives shall also be included in all the decisions regarding the arrangements for the public hearings in their respective areas.

(6) All the proceedings shall be held in the local language with effective and credible translators to ensure that all the participants could understand and express their views.

(7) Representatives from the Requiring Body and designated land acquisition and rehabilitation and resettlement functionaries shall also attend the public hearing and address the questions and concerns raised by the affected parties.

(8) Public representatives, local voluntary organisations and media shall also be invited to attend the public hearings.

(9) The proceedings of the public hearing shall be video recorded and transcribed accordingly. This recording and transcription shall be submitted along with the final Social Impact Assessment Report and Social Impact Management Plan, to the Collector.

(10) After the conclusion of the public hearings, the Social Impact Assessment team shall analyse the entire feedback received and information gathered in the public meetings and incorporate the same along with their analysis, in the revised Social Impact Assessment Report accordingly.

(11) Every objection raised in the public meeting shall be recorded and the Social Impact Assessment Team shall ensure that the every objection shall be considered in the Social Impact Assessment Report.

12. *Publication of SIA Report and SIMP.*— The final SIA report and the Social Impact Management Plan in local language shall be published in the affected area by public affixture in terms of sub-section (1) of section 6 of the Act in Village Commune Panchayat/Municipality concerned, Offices of the District Collector, Sub/Deputy Collector (Revenue), concerned Tahsildar and hosted in the website of the Government. The availability of the SIA report and SIMP in various offices shall be published in two daily newspapers circulating in the affected area, one in English and the other in vernacular language and hosted in the website of the Government.

13. *Appraisal of Social Impact Assessment Report by an Expert Group.*— (1) The Expert Group constituted under sub-section (1) of section 7 of the Act shall evaluate the SIA report and shall make its recommendations within a period of two months from the date of its constitution, the Agency conducting the Social Impact Assessment study shall attend the meetings of the Expert Group.

(2) The Government shall appoint an individual among the members of the Expert Group as Chairperson in accordance with sub-section (3) of section 7 of the Act.

(3) The recommendations of the Expert Group shall be published in the local language in the affected area by public affixture in terms of sub-section (6) of section 7 of the Act in Village Commune Panchayat/Municipality concerned, Offices of the District Collector, Sub/Deputy Collector (Revenue), concerned Tahsildar and hosted in the website of the Government and the availability of the recommendations of the Expert Group in various offices shall be published in two daily newspapers circulating in the affected area, one in English and the other in vernacular language and hosted in the website of the Government.

14. *Consideration of the Social Impact Assessment report, recommendations of the Expert Group, etc. by the Government.*—

(1) The Government shall examine the Social Impact Assessment report, the recommendations of the Expert Group and the report of the Collector, if any in accordance with sub-sections (1) and (2) of section 8 of the Act.

(2) The decision of the Government under sub-rule (1) shall be made available in the local language to the Commune Panchayat/ Municipality concerned, Offices of the District Collector, Sub/Deputy Collector (Revenue) and shall also be published in two daily newspapers circulating in the affected area and also by way of public affixture in a conspicuous place in the affected area and shall also be uploaded on the website of the Government.

15. *Web-based Work Flow and Management Information System (MIS) for Land Acquisition, Rehabilitation and Resettlement.*— The Government shall create a dedicated web page in its website that may serve as a public platform on which the entire work flow of each acquisition case will be hosted, beginning with the notification of the SIA and tracking each step of decision-making, implementation and audit.

16. *Inventory of waste, barren and unutilised land.*— To ensure acquisition of minimum amount of land and to facilitate the utilisation of unutilised public lands, the Government may prepare a Revenue village-level inventory report of waste, barren and unutilized public land available in the Government Land Bank and that may be made available to the SIA Team and Expert Group, the inventory report shall be updated from time to time.

CHAPTER – IV

Notification of Acquisition

17. *Publication of preliminary notification.*— (1) After conclusion of the Social Impact Assessment study, when it appears to the Government that land is required or likely to be required in any area for any public purpose, a preliminary notification shall be issued in Form-V as per section 11 (1) of the Act.

(2) The date of preliminary notification in Form-V shall be the date to be reckoned for determining the market value.

(3) On publication of notification under section 11(1) in the Gazette, the Collector shall inform the Village Commune Panchayat/Municipality concerned to convene a special meeting and inform the contents of notification to the members. The authority of the concerned Body shall communicate the minutes of the meeting to the Collector within seven days after the meeting in compliance of provision under sub-section (2) of section 11 of the Act.

(4) In terms of clause (e) of sub-section (1) of section 11 of the Act the preliminary notification shall be published as per section 11(1) of Act and in the affected areas

(a) By way of affixing a written copy in the Village Commune Panchayat/Municipality concerned, Offices of the District Collector, Sub/Deputy Collector (Revenue), concerned Tahsildar, Village Administrative Officer and Anganwadi Centres located in the concerned area; or

(b) By giving notice thereof which may include issuing door-to-door pamphlets; or

(c) By beating of tom-tom; or

(d) By local announcements; or

(e) By announcements in local TV channels or the like.

That would ensure that all those in the affected area given notice thereof.

(5) After publication of the preliminary notification under section 11, the Collector shall ensure completion of the exercise of updating land records as specified hereunder:—

(a) Delete the names of deceased persons;

(b) Enter the names of the legal heirs of the deceased persons;

(c) Enter the registered transactions of the rights in land such as sale, gift, partition, etc.;

(d) Make all entries of the mortgages in the land records;

(e) Delete the entries of mortgages in case the lending agency issues letter towards full payment of loans taken through registered reconveyance of mortgaged property deeds;

- (f) Make necessary entries in case of the Government land;
- (g) Make necessary entries in respect of assets of the land like buildings, trees, wells, etc;
- (h) Make necessary entries of share croppers in the land;
- (i) Make necessary entries of crops grown or sown and the area of such crops; and
- (j) Any other relevant entries.

(6) Disposal of objections.— (i) The Collector shall issue a notice in Form–VI and after hearing all objections and making enquiry as provided under sub-section (2) of section 15 shall submit a report along with his recommendations on the objections to the Government through the Secretary to the Revenue Department of the Government for decision and the report of the Collector shall, *inter-alia*, include sub-rule (4) of Rule 3.

- (a) Assessment as to whether the proposed acquisition serves public purpose;
- (b) Whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project;
- (c) Whether land acquisition at an alternate place has been considered and found not feasible;
- (d) There is no unutilised land which has been previously acquired in the area;
- (e) The land, if any, acquired earlier and remained unutilised, is used for such public purpose and make recommendations in respect thereof;
- (f) Recommendations on the objections;
- (g) Record of proceedings; and
- (h) Approximate cost of land acquisition in cases where Social Impact Assessment has been exempted.

(ii) The decision of the Government on the objections made under sub-section (2) of section 15 of the Act shall be final.

CHAPTER – V

Rehabilitation and Resettlement Scheme

18. *Appointment of Administrator*.— The Administrator (Rehabilitation and Resettlement) notified by the Government in terms of sub-section (1) of section 43 of the Act shall be assisted by such officers and employees as the Government may provide for the purpose.

19. *Powers, duties and responsibilities of the Administrator*.—
(1) The Administrator shall exercise the powers and perform the duties and have the responsibilities as follows—

(a) To conduct a survey and undertake a census of the affected families and details of livestock possessed by each affected family in the manner and within time as provided under these rules;

(b) To prepare a draft Rehabilitation and Resettlement Scheme;

(c) To publish the draft Scheme by the mode provided under these rules;

(d) To make the draft Scheme available to the concerned persons and authorities;

(e) To organise and conduct public hearings on the draft scheme;

(f) To provide an opportunity to the Requiring Body to make suggestions and comments on the draft Scheme;

(g) To submit the draft Scheme to the Collector;

(h) To publish the approved Rehabilitation and Resettlement Scheme in the affected area;

(i) To help and assist in preparing the Rehabilitation and Resettlement Award;

(j) To monitor and supervise the implementation of the Rehabilitation Award;

(k) To assist in post-implementation audit of Rehabilitation and Resettlement; and

(l) Any other work required to be done for Rehabilitation and Resettlement.

(2) The Administrator may acquire adequate land for resettlement of the affected families. Such acquisition of land shall not cause further displacement of families.

20. *Preparation of Rehabilitation and Resettlement Scheme and public hearing.*— (1) On publication of the preliminary notification under sub-section (1) of section 11, the Administrator for Rehabilitation and Resettlement shall himself or by out-sourcing the work to any agency, conduct a survey and undertake a census of the affected families within a period of three months from the date of publication of such preliminary notification.

(2) The survey and census of the affected families shall include the particulars mentioned in sub-section (1) of section 16 of the Act.

(3) In the survey conducted and census of the affected families so undertaken by the Administrator, he shall collect data from the SIA report and Government records and verify the data by door visits of the affected families and by site visits in case of infrastructure in the affected area.

(4) The draft Rehabilitation and Resettlement Scheme prepared by the Administrator shall in addition to the particulars mentioned in the sub-section (2) of section 16 of the Act, contain the following :

- (i) List of land holdings in the affected area;
- (ii) List of affected families with Aadhaar number of its members if available;
- (iii) List of displaced/ likely to be displaced families-land losers, livelihood losers-with Aadhaar number of its members if available;
- (iv) List of infrastructure in the affected area in Form-VII;
- (v) List of agricultural labourers;
- (vi) List of small traders, petty shop owners, artisans in the affected area;
- (vii) List of landless people residing in the area for three years preceding the SIA study;
- (viii) List of prospective youth for employment in the affected area;

(ix) List of disadvantageous group like persons belonging to Scheduled Castes, handicapped persons in the affected area; and

(x) List of trees, buildings, other immovable property or assets attached to the land or building which are to be acquired.

Provided that in case a person does not have an Aadhaar number, efforts may be made to get him so enrolled, provided he gives his consent for such enrolment and the claims of the affected families may be facilitated by carrying out consent-based Aadhaar authentication service.

(5) The Administrator shall prepare comprehensive and detailed draft Rehabilitation and Resettlement Scheme and submit the same to the Collector within six months of date of 11 (1) preliminary notification.

(6) A copy of draft Scheme shall be furnished to the Municipality/Village Panchayat for discussion in terms of sub-section (4) of section 16 of the Act. The Administrator shall give wide publicity to the draft Rehabilitation and Resettlement Scheme in the affected area through publication in the following manner namely:—

(a) In the Official Gazette;

(b) In two local daily newspapers, one in English and the other in vernacular language circulating in the affected area;

(c) In the Offices of District Collector, the Sub-Divisional Magistrate and Taluk/Sub-Taluks; and

(d) Uploaded in the website of the Government.

(7) The Administrator or an officer authorised by him shall conduct a public hearing in the affected areas on such a date, time and venue as deemed fit but not earlier than fifteen days of the publication of the draft Scheme. The provision of rule 11 relating to the public hearing shall, *mutatis mutandis* apply to the public hearing in this case also.

(8) The Administrator shall, on completion of public hearing submit the draft Scheme for Rehabilitation and Resettlement alongwith a specific report on the claims and objections raised in the public hearing, to the Collector in accordance with sub-section 6 of section 16 of the Act.

(9) Thereafter, the Collector shall review the draft Scheme in accordance with sub-section (1) of section 17 and shall submit the draft Rehabilitation and Resettlement Scheme with his suggestions to the Commissioner of Rehabilitation and Resettlement for approval of the scheme in accordance with sub-section (2) of section 17 of the Act.

21. *Publication of the approved Rehabilitation and Resettlement Scheme.*— (1) The Commissioner of Rehabilitation and Resettlement by way of public notice shall publish the approved Rehabilitation and Resettlement Scheme as finalised by him under section 18 of the Act in two local daily newspapers, one in English and other in vernacular language circulating in the affected area for making it known to the general public.

(2) The copies of the approved scheme shall also be made available in the offices of the Municipality/ Village Panchayat, District Collector, Sub-Divisional Magistrate, concerned Tahsildar, Village Administrative Officer and Administrator (Rehabilitation and Resettlement) of the concerned area by public affixture and shall also be uploaded in the website of the Government.

22. *Development Plan for displaced Scheduled Caste families.*— Subject to the provisions under section 41 of the Act, in case of displacement of Scheduled Caste families due to acquisition, a Development Plan in Form–VIII shall be prepared by the Administrator (Rehabilitation and Resettlement) in consultation with the affected family and the said plan shall be read out and discussed during the public hearing of Rehabilitation and Resettlement Scheme and finalised.

CHAPTER–VI

Declaration, Award and Compensation

23. *Publication of declaration for acquisition.*— (1) Upon receipt of a report of the Collector as provided under sub-section (2) of section 15, a declaration for acquisition of land under sub-section (1) of section 19 of the Act along with the summary of the Rehabilitation and Resettlement scheme shall be made by the Government in Form–IX. However, no such declaration shall be made unless the Requiring Body has deposited not less than 90% of the estimated amount towards the cost of acquisition of lands, including the amount deposited at the time of submitting the requisition form.

(2) The declaration shall be published as per section 19(4) of Act. In the affected areas in terms of clause (e) of section 19(4) of the Act, the declaration shall be published by way of affixing a written copy in a prominent place in the Revenue Village concerned and in the public offices in the said village like the Office of the Village Administrative Officer and Anganwadi Centres.

24. *Land acquisition Award*— (a) The compensation shall be calculated as per the provisions laid down under section 26 to section 30 read with the First Schedule of the Act in Form-X and paid to all the parties whose land or other immovable property has been acquired.

(b) In the case of any default or refusal to pay the excess amount as referred to in sub-section (3) of section 33, the same shall be recovered as arrears of land revenue under the provisions of the Revenue Recovery Act, 1890 (1 of 1890) and such recovery proceedings shall be initiated within a period of three years from the date on which the excess amount is found to have been paid.

25. *Rehabilitation and Resettlement Award*.— (1) The Collector shall make Rehabilitation and Resettlement Award in Form-XI for each affected family as per the Rehabilitation and Resettlement Scheme in terms of the entitlements provided in the Second Schedule of the Act and hand over family-wise Awards to each affected family.

(2) The Collector shall also ensure provision of infrastructure facilities to be provided for every resettlement area.

(3) The Commissioner for Rehabilitation and Resettlement shall closely monitor the implementation of Rehabilitation and Resettlement Scheme.

(4) Any rehabilitation and resettlement benefit availed of by making a false claim or through fraudulent means shall be recovered as arrears of land revenue under the provisions of the Revenue Recovery Act, 1890 (1 of 1890).

26. *Provisions relating to rehabilitation and resettlement in case of land purchased through private negotiation*.— The provisions relating to rehabilitation and resettlement under these rules shall apply in the cases where a specified person purchases land exceeding 50 acres in urban and 200 acres in rural areas through private negotiations with the owners of the land.

CHAPTER-VII

**Rehabilitation and Resettlement Committee and
State Monitoring Committee**

27. *Rehabilitation and Resettlement Committee.*— (1) Where the land proposed to be acquired is equal to or more than one hundred acres, the Government shall constitute a Rehabilitation and Resettlement Committee under the Chairmanship of Collector at project level to monitor and review the progress and implementation of the Rehabilitation and Resettlement Scheme and to carry out post-implementation social audit in consultation with the Village Panchayat in the rural area and Municipality in the urban areas.

(2) The Committee shall have its first meeting when a draft Rehabilitation and Resettlement Scheme has been prepared by the Administrator.

(3) The Committee shall discuss the scheme and make suggestions and recommendations. Thereafter, the Committee shall meet and review and monitor the progress of the rehabilitation and resettlement once in 3 months till the process of rehabilitation and resettlement is completed.

(4) For the purpose of carrying out the post-implementation social audits, the Committee shall meet as and when required.

(5) The Committee may visit the affected area and discuss with the affected families if it so desires and also visit the resettlement area to monitor the resettlement process.

(6) The non-official members of the Committee shall get travelling and daily allowances at the rate admissible to Group 'A' Officers of the Government.

28. *State Monitoring Committee.*— (1) The Government shall constitute a State Monitoring Committee for monitoring and reviewing the implementation of Rehabilitation and Resettlement Schemes or Plans under the Act.

(2) The State Monitoring Committee shall have its first meeting for reviewing and monitoring the implementation of the Rehabilitation and Resettlement Scheme for the project within a month of the publication of the said approved scheme by the Commissioner of the Rehabilitation and Resettlement under section 18.

(3) The meetings of the Committee shall be held once in six months to review and monitor the implementation of the Rehabilitation and Resettlement Scheme.

(4) The non-official members of the State Monitoring Committee shall get travelling and daily allowance at the rate admissible to the Group 'A' Officers of the Government.

CHAPTER-VIII

Land Acquisition, Rehabilitation and Resettlement Authority

29. *Establishment of Land Acquisition, Rehabilitation and Resettlement Authority.*— (1) The Government shall establish Land Acquisition, Rehabilitation and Resettlement Authority in all the four regions of the Union territory of Puducherry to exercise jurisdiction, powers and authority conferred on it by or under the Act :

Provided that till such an Authority is established, the Government with the consent of the High Court of Judicature at Madras may declare Courts of District Judges/Additional District Judges to act as the Land Acquisition, Rehabilitation and Resettlement Authority.

(2) The Presiding Officer of the said authority shall be appointed in consultation with the Hon'ble High Court of Madras by the Government.

(3) There shall be a Registrar of the rank of Tahsildar from the Department of Revenue and Disaster Management and other staff to be appointed from different cadres of the Government including the Department of Revenue and Disaster Management. The salaries and allowances of the Registrar and other officers and employees of the said authority shall be the same as they were getting in their parent departments and a deputation allowance as admissible shall be paid to them. The general conditions of service applicable to them in their parent cadre shall *mutatis mutandis* be applicable while on deputation in the said authority.

(4) The Presiding Officer of the said authority shall be paid salary and other allowances as under:

(i) Serving District Judge – as admissible to a District Judge;

(ii) District Judge – Retired – Last Pay Drawn less Pension and also eligible for travelling and other allowances as admissible to the Class I Officer; and

(iii) The benefits of pension, gratuity and other retirement benefits shall be applicable to the Presiding Officer as per the Rules in force applicable if the Presiding Officer is a serving District Judge.

(5) The term of office of the Presiding Officer shall be for a period of 3 years from the date on which he enters office or until he attains the age of sixty five years, whichever is earlier.

(6) The resignation and removal of the Presiding Officer shall be governed by section 58 of the Act.

(7) Subject to the provisions under section 58 of the Act, the Government shall appoint an Inquiry Officer who may be a serving or a retired Judge of the High Court of Judicature at Madras to investigate into misbehaviour or incapacity of the Presiding Officer and the said Enquiry Officer shall submit his findings in the form of a report to the Government and the decision of the Government thereon shall be final.

30. *Power of authority and recovery of rehabilitation and resettlement benefits availed through false claims, etc.,—* (1) The Land Acquisition, Rehabilitation and Resettlement Authority shall have the power of Civil Court in the matter when any rehabilitation and resettlement benefit has been availed by making a false claim or through fraudulent means. The benefits shall be liable to be recovered by the Government as an arrear of land revenue, in case the said benefits have been availed in terms of money, and by evicting a wrongdoer from the land and houses if the said benefits have been availed in terms of land and houses.

(2) The land and houses so vacated shall be used for the rehabilitation and resettlement of the affected persons by the same Project or for the purpose of community, as the case may be.

CHAPTER-IX

Miscellaneous

31. *Reversion of land to the Land Bank.*— (1) Where any land acquired under the Act remains unutilized for a period of five years from the date of taking over possession, the same shall be returned to the original owners or their legal heirs as the case may be, or to the Land Bank of the Government in accordance with the provisions contained in section 101 of the Act by issuing a notice to the Requiring Body for whom the land was acquired and by giving opportunity of being heard and by passing necessary written order by the Government in this behalf:

Provided :

- (a) No dispute exists as to the ownership of the land;
- (b) No dispute exists as to who the true legal heirs are;
- (c) The entire land covered under the notification issued under section 11 is not fully utilized; and

(d) The land owners had not availed cash benefit or 'land for land' under the Rehabilitation and Resettlement Scheme.

(2) The reversion shall be considered only as a whole in respect of all the lands described in the notification under section 11 and not in parts.

(3) For determining the five year period, the latest date of taking possession of any parcel of land shall be the date of taking possession of land and the litigation period, if any, shall be excluded for the calculation of 5 years.

(4) The compensation paid to the erstwhile land owners excluding solatium shall be returned by them.

(5) The owner/legal heir claiming reversion of lands shall submit an application to the Collector within thirty days from the lapse/expiry of five years, excluding litigation period if any from the date of taking possession and the application shall be duly signed by all the land owners/legal heirs.

(6) The claimant shall deposit an amount equal to 50% of the compensation received/drawn in the form of Demand Draft in the name of the Head of Department of the Requesting Body along with his application after the period of five years from the date of taking possession of the said land. The remaining 50% shall be deposited within a period of 30 days from the date of communication of intention of Government for returning the land.

(7) The amount so refunded shall be deposited into the consolidate fund of the Union territory of Puducherry or of the Government of India as the case may be.

(8) The Collector shall intimate the Government by issuing a notice to the Requiring Body for whom the land was acquired and by giving an opportunity of being heard and seek necessary written order from the Government in this behalf.

(9) After passing of the written order as above, the Government may direct the Collector to take the possession of the acquired land for the purpose of returning the same to the original owners or their legal heirs as case may be or to the Land Bank of the Government.

(10) On receipt of the order of the Government, the Collector shall communicate to the land owners/legal heirs, the period before which the compensation amount received by them should be deposited for taking back their lands.

(11) If the Requiring Body does not hand over possession of the said land to the Collector, then the Collector as a Magistrate shall enforce the surrender of the land to him by giving prior notice to the requiring body.

(12) On reversion of land to the land owners (or) to their legal heirs as the case may be, or to the land bank, the Collector shall direct the Director of Survey to make necessary entries in the land records to this effect.

32. *Determination of market value for lands acquired under Land Acquisition Act, 1894.*— (i) The reference date for calculation of market value under section 24(1) (a) shall be 1-1-2014 (commencement of RFCTLARR Act, 2013)

(ii) The reference date for calculating additional market value under section 30(3) of the Act for land acquisition proceedings initiated under Land Acquisition Act, 1894 shall be the date of preliminary notification *i.e.*, the date of notification under section 4(1) of the Land Acquisition Act, 1894.

33. *Removal of difficulties.*— If any difficulty arises as to the interpretation of any provisions of these rules or in the implementation of such provisions, the Government shall have powers to issue clarifications/ directions for the purpose of removal of the difficulties.

FORM – I

(See rule-3)

Request for Land Acquisition

From :

Name

Designation and address of the Requiring Body

To:

1. The District Collector

..... District,

Union territory of Puducherry.

It is requested to acquire acre(s) of land for project/purpose and the details are furnished in Annexure (Appendix I, II and III) along with three copies of Combined Sketch (to scale) showing the lands to be acquired.

The gestation period of the project will be years and months (applicable only if gestation period is more than 5 years.)

Requisite cost of acquisition including cost of social impact assessment study (SIA) is available and will be deposited in your office, as provided under provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as and when required by you. It is certified that the land to be acquired was demarcated on the field and all further necessary information and assistance will be provided on the date/time appointed/stipulated by you.

*Yours faithfully,***REQUIRING BODY.**

ANNEXURE – I

Schedule of the land to be acquired.

1. No. and Name of the Revenue village-
2. Name of the Taluk
3. Name of the District-
4. R.S. No. with extent of lands to be acquired-
5. Total area under requisition (in Hectares)-
 - (a) Boundaries of the total area to be acquired-North-South-East-West-
6. Area of the agricultural and irrigated multi-cropped land-
7. Reasons for inclusion of agricultural and irrigated multi-cropped land.
8. Details of Buildings and other structures, tanks, wells, trees etc.,

ANNEXURE – II

Name of the project.

1. Government/Company/Local Authority/Institution:
2. Official designation of the requiring body:-
3. Purpose of Acquisition (in detail):-
4. Whether the requisition is filed under section 2(1)(a) to 2(1) (f) of the Act:-
5. Whether the requisition is filed under section 2(2) (a) or (b) of the Act :-
6. Whether the requisition is filed under section 40 of the Act :-
7. If so, on what ground?
8. Has the land to be acquired already been taken over from the owners by private negotiation?
9. If so, on what date and on what terms (please state the terms of negotiation in short and attach a copy of it).
10. Date of issue of administrative approval for the project (copy to be attached).

11. Reasons for delay in filing requisition, if requisition is filed after 6 weeks from the date of administrative approval of the project.
12. By what time possession of the land is required.
13. Whether the lands of SC are required to be acquired?
14. By what time the possession of Land is required.

ANNEXURE – III

Certificate to be furnished along with the requisition for acquisition of land by the requiring authorities

Name of the Project:

1. Certified that the project for which the land is sought to be acquired has been administratively approved *vide* Department letter No., dated The estimated cost of the project is ₹

2. That a sum of ₹ for permanent acquisition and/or sum of ₹ for temporary occupation as provided under Chapter XI of the Act has been provided in the budget estimate of the Department for the year under the head to meet the cost of acquisition.

3. The Department undertakes to pay the full amount in case of decree by the Land Acquisition, Rehabilitation and Resettlement Authority/High Court/Supreme Court as and when asked to do so by the Collector/Government.

4. The project is for a legitimate and *bona fide* public purpose.

5. Only the minimum area of land required for the project has been proposed for acquisition.

6. There is no unutilised land which has been previously acquired in the area.

7. The land under acquisition has been selected after considering all alternatives.

8. The project is of linear type/non-linear type.

9. The land under acquisition is barren/uncultivable/agricultural/irrigated multi-cropped/commercial.

10. Total area under acquisition is not in excess of the limit prescribed and fixed by the Government for acquisition of irrigated multi-cropped and agricultural land in a district.

11. The potential benefits of the project far outweigh the social costs and adverse social impact.

12. The land after taking possession would be utilised for the same acquisition purpose.

13. The requiring body is capable of bearing cost of acquisition including rehabilitation and resettlement expenditure.

14. There is no Government land in the proposed area under acquisition.

15. There is no temple, mosque, burial ground or any other religious structure in the land proposed for acquisition.

16. There is no ceiling land under acquisition.

17. Due to acquisition land owner or raiyat would become landless/not become landless.

18. There is no special opposition to this land acquisition proceeding.

19. The Requiring Body shall ensure rehabilitation and resettlement works and other admissible benefits to the affected families/persons.

REQUIRING BODY.

FORM – II

PART – A

Notification of the Social Impact Assessment

(See sub-rule (1) of rule 7)

The Notification of the SIA must include :

- (i) Name of project , a brief description of the proposed project and the extent of the lands proposed for acquisition, the project area and the affected areas to be covered by the SIA; and

- (ii) The main objectives of the SIA and key activities including (a) consultations (b) survey (c) public hearings, if consent of Gram Sabhas and/or land owners is required, the notification must state this.
- (iii) The timeline for the SIA and the final deliverables (SIA Report and SIMP) along with the manner of their disclosure must be specified.
- (iv) Statement that any attempt of coercion or threat during this period will render the exercise *null* and *void*.
- (v) Contact information of the State SIA Unit.

FORM – II

PART – B

Terms of Reference and Processing Fee for the SIA

[See sub-rule 1(a) of rule 8]

The State SIA Unit will review the proposal for land acquisition sent by the Government and produce a project-specific Terms of Reference (ToR) and budget. Based on the ToR and budget, a processing fee will be determined, which must be deposited by the Requiring Body before the notification of the SIA can be issued. The ToR shall include the following information :

- (i) A brief description of the proposal, area proposed and the extent of lands proposed for acquisition;
- (ii) The objectives of the SIA and all the activities that must be carried out by the SIA team;
- (iii) The details of sequencing, schedule and deadlines for deliverables with dates for the SIA process, based on the size and complexity of the project and land acquisition, and whether consent of Gram Sabhas and/or land owners is required to be sought;
- (iv) The appropriate size and profile of the SIA team required (including field surveyors, if needed) to conduct the SIA for the specific project;
- (v) A project-specific budget based on the ToR, with a clear break-up of costs for each item/activity;

- (vi) The schedule for the disbursement of funds to the SIA team tied to clearly-defined deliverables in the SIA process;
- (vii) The processing fee will be determined based on the ToR and budget developed for each specific project and will be based on the type, size, location, and sensitivity of the project and the land proposed for acquisition;
- (viii) Information regarding the processing fee bands and the cost for separate 36 components/line items must be made consistent and easily accessible, so that the Requiring Body can factor this into its costs in advance. These rates must be reviewed and revised from time to time; and
- (ix) A fixed proportion of the fee will go towards meeting the costs of the State SIA Unit.

FORM – III

Social Impact Assessment Report

[See sub-rule (5) of rule 10]

Part-A : *List of socio-economic and cultural parameters to be covered by the Social Impact Assessment.*

1. Demographic details of the population in the project area :
 - (a) Age, sex, caste, religion.
 - (b) Literacy, health and nutritional status.
2. Poverty Level.
3. Vulnerable groups :
 - (a) Women
 - (b) children
 - (c) the elderly
 - (d) women-headed households.
 - (e) the differently abled .
4. Kinship patterns and women's role in the family.
5. Social and cultural organisation.

-
6. Administrative organisation.
 7. Political organisation.
 8. Civil society organisations and social movements.
 9. Land use and livelihood :
 - (a) Agricultural and non-agricultural use.
 - (b) Quality of land-soil, water, trees, etc.,
 - (c) Livestock.
 - (d) Formal and informal work and employment.
 - (e) Household division of labour and women's work.
 - (f) Migration.
 - (g) Household income levels.
 - (h) Livelihood preferences.
 - (i) Food security.
 10. Local economic activities :
 - (a) Formal and informal, local industries.
 - (b) Access to credit.
 - (c) Wage rates.
 - (d) Specific livelihood activities in which the women are involved.
 11. Factors that contribute to local livelihoods :
 - (a) Access to natural resources.
 - (b) Common property resources.
 - (c) Private assets.
 - (d) Roads, transportation.
 - (e) Irrigation facilities.
 - (f) Access to markets.
 - (g) Tourist sites.
 - (h) Livelihood promotion programmes.
 - (i) Co-operatives and other livelihood-related associations.

12. Quality of the living environment :

- (a) Perceptions, aesthetic qualities, attachments and aspirations.
- (b) Settlement patterns.
- (c) Houses.
- (d) Community and civic spaces.
- (e) Sites of religious and cultural meaning.
- (f) Physical infrastructure (including water supply, sewage systems etc.,).
- (g) Public service infrastructure (schools, health facilities, anganwadi centres, public distribution system).
- (h) Safety, crime, violence.
- (i) Social gathering points for women.

Part-B : Key Impact Areas

1. Impacts on land, livelihoods and income :

- (a) Level and type of employment.
- (b) Intra-household employment patterns.
- (c) Income levels.
- (d) Food security.
- (e) Standard of living.
- (f) Access and control over productive resources.
- (g) Economic dependency or vulnerability.
- (h) Disruption of local economy.
- (i) Impoverishment risks.
- (j) Women's access to livelihood alternatives.

2. Impacts on physical resources :

- (a) Impacts on natural resources, soil, air, water, forests.
- (b) Pressures on land and common property natural resources for livelihoods.

3. Impacts on private assets, public services and utilities :

- (a) Capacity of existing health and education facilities.
- (b) Capacity of housing facilities.

- (c) Pressure on supply of local services.
 - (d) Adequacy of electrical and water supply, roads, sanitation and waste management system.
 - (e) Impact on private assets such as bore-wells, temporary sheds etc.,
4. Health impacts :
- (a) Health impacts due to in-migration.
 - (b) Health impacts due to project activities with a special emphasis on:
 - (i) Impact on women's health.
 - (ii) Impact on the elderly.
5. Impacts on culture and social cohesion :
- (a) Transformation of local political structures.
 - (b) Demographic changes.
 - (c) Shifts in the economy-ecology balance.
 - (d) Impacts on the norms, beliefs, values and cultural life.
 - (e) Crime and illicit activities.
 - (f) Stress of dislocation.
 - (g) Impact of separation of family cohesion.
 - (h) Violence against women.
6. Impacts at different stages of the project cycle the type, timing, duration and intensity of social impacts will depend on and relate closely to the stages of the project cycle. Below is an indicative list of impacts.
- (a) Pre-construction phase :
 - (i) Interruption in the delivery of services.
 - (ii) Drop in productive investment.
 - (iii) Land speculation.
 - (iv) Stress of uncertainty.
 - (b) Construction phase :
 - (i) Displacement and relocation.
 - (ii) Influx of migrant construction workforce.
 - (iii) Health impacts on those who continue to live close to the construction site.

- (c) Operation phase :
 - (i) Reduction in employment opportunities compared to the construction phase.
 - (ii) Economic benefits of the project.
 - (iii) Benefits on new infrastructure.
 - (iv) New patterns of social organisation.
 - (d) De-commissioning phase :
 - (i) Loss of economic opportunities.
 - (ii) Environmental degradation and its impact on livelihoods.
 - (e) Direct and indirect impacts :
 - (i) "Direct impacts" will include all impacts that are likely to be experienced by the affected families ((i.e., direct land and livelihood losers).
 - (ii) "Indirect impacts" will include all impacts that may be experienced by those not directly affected by the acquisition of land, but, those living in the project area.
 - (f) Differential impacts :
 - (i) Impact on women, children, the elderly and the differently abled.
 - (ii) Impacts identified through tools such as gender impact assessment checklists, and vulnerability and resilience mapping.
 - (g) Cumulative impacts :
 - (i) Measureable and potential impacts of other projects in the area along with the identified impacts for the project in question.
 - (ii) Impact on those not directly in the project area but based locally or even regionally.
-

Part-C : *Table of contents for Social Impact Assessment Report and Social Impact Management Plan.*

Chapter	Contents
(1)	(2)
Executive Summary.	<ul style="list-style-type: none"> (a) Project and public purpose. (b) Location. (c) Size and attributes of land acquisition. (d) Alternatives considered. (e) Social impacts. (f) Mitigation measures. (g) Assessment of social costs and benefits.
Detailed Project Description.	<ul style="list-style-type: none"> (a) Background of the project, including developers background and governance or management structure. (b) Rationale for project including how the project fits the public purpose criteria listed in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. (c) Details of project size, location, capacity, outputs, production targets, cost, risks. (d) Examination of alternatives. (e) Phases of project construction. (f) Core design features and size and type of facilities. (g) Need for ancillary infrastructural facilities. (h) Work force requirements (temporary and permanent). (i) Details of Social Impact Assessment or Environmental Impact Assessment if already conducted and any technical feasibility reports. (j) Applicable legislations and policies.
Team composition, approach, methodology and Schedule of the Social Impact Assessment.	<ul style="list-style-type: none"> (a) List of all team members with qualifications. Gender experts to be included in team. (b) Description and rationale for the methodology and tools used to collect information for the Social Impact Assessment. (c) Sampling methodology used.

(1)	(2)
	<p>(d) Overview of information or data sources used. Detailed reference must be included separately in the forms.</p> <p>(e) Schedule of consultations with key stakeholders and brief description of public hearings conducted. Details of the public hearings and the specific feedback incorporated into the Report must be included in the forms.</p>
Land Assessment.	<p>(a) Information from land inventories and primary sources-Describe with the help of the maps.</p> <p>(b) Entire area of impact under the influence of the project (not limited to land area for acquisition).</p> <p>(c) Total land requirement for the project.</p> <p>(d) Present use of any public, unutilised land in the vicinity of the project area.</p> <p>(e) Land (if any) already purchased, alienated, leased or acquired and the intended use for each plot of land required for the project.</p> <p>(f) Quantity and location of land proposed to be acquired for the project.</p> <p>(g) Nature, present use and classification of land and if agricultural land, irrigation coverage and cropping patterns.</p> <p>(h) Size of holdings, ownership patterns, land distribution and number of residential houses.</p> <p>(i) Land prices and recent changes in ownership transfer and use of lands over the last 3 years.</p>
Estimation and enumeration (where required) of affected families and assets.	<p>Estimation of the following types of families that are–</p> <p>(a) Directly affected (own land that is proposed to be acquired) :</p> <p>(i) Are tenants or occupy the land proposed to be acquired.</p> <p>(ii) The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights.</p>

(1)	(2)
Socio-economic and cultural profile (affected area and resettlement site).	(iii) Depend on common property resources which will be affected due to acquisition of land for their livelihood.
	(iv) Have been assigned land by the Government under any of its schemes and such land is under acquisition.
	(v) Have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land.
	(vi) Have depended on the land being acquired as a primary source of livelihood for three years prior to the acquisition.
	(b) Indirectly impacted by the project (not affected directly by the acquisition of own lands)
	(c) Inventory of productive assets and significant lands.
	(a) Demographic details of the population in the project area.
	(b) Income and poverty levels.
	(d) Vulnerable groups.
	(d) Land use and livelihood.
Social impacts.	(e) Local economic activities.
	(f) Factors that contribute to local livelihoods.
	(g) Kinship patterns and social and cultural organisation.
	(h) Administrative organisation.
	(i) Political organisation.
	(j) Community-based and civil society organizations.
	(k) Regional dynamics and historical change processes.
	(l) Quality of the living environment.
	(a) Framework and approach to identifying impacts.
	(b) Description of impacts at various stages of the project cycle such as impacts on health and livelihoods and culture. For each type of impact,

(1)	(2)
	<p>impacts separate indication of whether it is a direct or indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts</p> <p>(c) Indicative list of impacts areas include; impacts on land, livelihood and income, physical resources, private assets, public services and utilities, health, culture and social cohesion and gender based impacts.</p>
<p>Analysis of costs and benefits and recommendation on acquisition</p>	<p>(a) Final conclusions on: assessment of public purpose, less-displacing alternatives, minimum requirements of land, the nature and intensity of social impacts, the viability of the mitigation measures and the extent to which mitigation measures described in the Social Impact Management Plan will address the full range of social impacts and adverse social costs.</p> <p>(b) The above analysis will use the equity principle described in Rule 9 (10) as a criteria of analysis for presenting a final recommendation on whether the acquisition should go through or not.</p>
<p>References and Forms.</p>	<p>For reference and further information.</p>

FORM – IV

[See sub-rule (7) of rule 10]

Social Impact Management Plan

1. Approach to mitigation.
2. Measures to avoid, mitigate and compensate impact.
3. Measures that are included in the terms of Rehabilitation and Resettlement and Compensation as outlined in the Act.
4. Measures that the Requiring Body has undertaken to introduce in the Project Proposal.

5. Additional measures that the Requiring Body has assured to undertake in response to the findings of the Social Impact Assessment Process and public hearings.
6. The Social Impact Management Plan must include a description of institutional structures and key person responsible for each mitigation measure and timelines and costs for each activity.

FORM – V

[See sub- rule (1) of rule 17]

Preliminary Notification

No.

Dated :

Whereas, it appears to the Government that a total of acres land is required in the Village of District for public purpose, namely Social Impact Assessment Study was carried out by SIA Unit and a report submitted / preliminary investigation was conducted by a team constituted by District Collector as laid down under rule 4. The summary of the Social Impact Assessment is as given below :

**Report/Preliminary investigation is as follows
(Attach copy of SIA report)**

.....
A total (No.) families are likely to be displaced due to the land acquisition. The reason necessitating such displacement is given below :

..... is appointed as Administrator for the purpose of rehabilitation and resettlement of the affected families. Therefore, it is notified that for the abovesaid project in the Village of of District a piece of land measuring, hectares viz., whose detailed description is as following, is under acquisition :

Sl. No.	Survey No.	Type of title	Type of land	Area under acquisition (in acre).	Name and address of person interested.	Boundaries			
						N	S	E	W

Trees	
Variety	Number

Structures	
Type	Plinth area

This notification is made under the provisions of section 11(1) of the Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 (Act No. 30 of 2013), to all whom it may concern.

A plan of the land may be inspected in the office of the District Collector and on any working day during the working hours.

The Government is pleased to authorise Officer and his staff to enter upon and survey land, take levels of any land, dig or bore into the sub-soil and do all other acts required for the proper execution of their work as provided and specified in section 12 of the said Act.

Under section 11(4) of the Act, no person shall make any transaction or cause any transaction of land *i.e.*, sale/purchase, etc., or create any encumbrances on such land without prior approval of the Collector from the date of publication of the notification.

Objections to the acquisition, if any, may be filed by the person interested within 60 (sixty days) from the date of publication of this notification as provided under section 15 of the Act before the District Collector.

Since, the land is urgently required for the project falling within the purview of section 40 (2) and the same has approval of the Parliament, it has been decided not to carry out the Social Impact Assessment Study, *vide* G.O. No., dated (Strike if not applicable)

Encl. : As above

Place :

Date :

DISTRICT COLLECTOR.

Notice by Collector

Dated :

Objections received within the due date, if any, will be enquired into on at (time) at (Place) The objectors will be at liberty to appear in person or by Advocate and to adduce any oral or documentary evidence in support of their objections.

Sl. No.	Survey No.	Total Extent A.Cs.	Extent under Acquisition	Name and address of the person interested	Boundaries				Details of Trees Structure etc., if any
					N	S	E	W	
(1)	(2)	(3)	(4)	(5)	(6)				(7)

FORM – VII

[See clause (iii) of sub-rule (4) of Rule 18]

**Format for Provision of Infrastructural Amenities under
Rehabilitation and Resettlement scheme for families displaced due
to Land Acquisition**

Sl. No.	Components	Details of infrastructure amenities
1	Roads	
2	Drainage	
3	Drinking water	
4	Drinking water for cattle	
5	Grazing land	
6	Fair Price Shops	
7	Panchayat buildings	
8	Post Offices	
9	Fertilizer storage	
10	Irrigation facilities	
11	Transport facilities	
12	Burial or cremation ground	
13	Toilet points	
14	Electrical connections	
15	Nutritional services	
16	Schools	
17	Sub-health centre	
18	Primary Health Centre	
19	Playground	
20	Community centre	
21	Places of worship	
22	Separate land for tribal institutions	
23	Timber forest produce	
24	Security arrangements	
25	Veterinary services	
26	Any other infrastructure amenity	

FORM – VIII

(See rule 22)

**Format for Development Plan under Rehabilitation and
Resettlement Scheme for Schedule Cast families affected due to
land acquisition**

Sl. No.	Name of the claimant/ family Head	Permanent Address	Entitlements	Remarks
			<ol style="list-style-type: none"> 1. One time financial assistance of One lakh fifty thousand rupees per family shall be given. 2. For landless labourers employment shall be provided under MNREGA and any other job providing scheme. 3. Skill development through different training programmes for the unemployed youth of the affected family. 4. Subsistence grant for displaced family equivalent to three thousand rupees per month for a year shall be granted from the date of award. 5. For cattle shed and petty shop, each affected family shall be provided minimum twenty five thousand rupees. 	

(a) Details of land rights due, but not settled :

(b) Details of actions for restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive.

FORM – IX

(See rule 23 and section 19 of the Act)

Declaration by District Collector

No.

Dated :

Whereas, it appears to the Government that a total of hectares of land is required in the Village Taluk District for public purpose, namely, Therefore, declaration is made that a piece of land measuring, hectares in the Village District whose detailed description is as following is acquired for the said purpose:

Sl. No.	Survey No.	Type of title	Type of land	Area under Acquisition (in hectare).	Name and Address of person interested.	Boundaries			
						N	S	E	W

Trees	
Variety	Number

Structures	
Type	Plinth area

This declaration is made after hearing the objections of persons interested and due enquiry as provided under section 15 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013). The number of families likely to be resettled due to Land Acquisition is for whom Resettlement area has been identified, and the brief description of the Resettlement area is as follows:-

Village District Area (in acres).

A plan of the land may be inspected in the office of the Land Acquisition Officer and on any working day.

A summary of the Rehabilitation and Resettlement Scheme is appended.

Encl. : As above

DISTRICT COLLECTOR.

FORM – X

(See rule 24)

Land Acquisition Award

Land Acquisition Case No. :

Name of the Project :

Number and date of declaration under which the land is to be acquired.

Situation and extent of the land in hectares, the number of field plots on the survey map, the village in which situated with the number of mile plan if any.

Description of the land, *i.e.*, whether fallow, cultivated, homestead, etc. If cultivated, how cultivated? Source of irrigation.

Name of persons interested in the land and the nature of their respective interests.

Amount allowed for the land, without trees, buildings etc., if any.

Amount allowed out of such sum as compensation for the tenants interest in the land.

Basis of calculation :

Amount allowed for trees, houses or any other immovable property.

Amount allowed for crops.

Additional compensation on the market value under section 30 (3).

Damages under section 28 of Act.

Solatum under section 30 (1)

Award under section 23 and 30 of the Act

Particulars of abatement of Government Revenue, or of the capitalised value paid, the date from which the abatement takes effect.

Apportionment of the amount of compensation.	Sl. No.	Name of claimants.	Amount payable to each.	Bank A/c. No.	Remarks
Area (in hectares)					

Date on which possession was taken under section 38 (1) and 40 (1) of the Act.

If urgency is invoked under section 40 (1) of the Act, the number and date of the order of government giving authority to do so.

Date :

Signature.

FORM – XI

[See rule- 25 (1)]

Award for Rehabilitation and Resettlement

Land Acquisition Case No. :

1. Name of the Project–
2. Number and date of declaration under which the land is to be acquired.
3. Situation and extent of the land in acres, the number of field plots on the survey map, the village in which situated with the number of mile plan if any.
4. Description of the housing units, transportation cost, housing allowances, annuity, employment subsistence grant, cattle shed, petty shop, one time resettlement allowances, etc.,
5. Name/Names of persons interested in the land and the nature of their respective claim for rehabilitation and resettlement.

6. Apportionment of the amount of compensation Area (in hectares).	Sl. No.	Name of claimants/ affected family.	R and R Entitlements	Bank A/c. No.	Amount payable to Each.	Non monetary entitlement.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
			(i) House to be allotted.				

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
			(ii) Lane to be allotted. (iii) Fishing rights. (iv) Annuity (v) Employment transportation cost, Housing allowances. (vi) Annuity (vii) Employment (viii) Subsistence grant. (ix) Cattle shed, Petty shop. (x) One time resettlement allowances. (xi) Stamp duty and Registration fee.				

7. Date on which Rehabilitation and Resettlement entitlements to be given to the affected family.
8. Basis of calculation.
9. Amount allowed for trees, houses or any other immovable things.
10. Amount allowed for crops.
11. Additional compensation on the market value under section 30 (3) of the Act.
12. Damages under section 28 of the Act.
13. Solatium under section 30 (1) of the Act.
14. Award under section 23 and 30 of the Act.

15. Particulars of abatement of Government Revenue, or of the capitalized value paid, the date from which the abatement takes effect.

Apportionment of the amount of compensation.	Sl. No.	Names of claimants.	Amount payable to each.	Bank A/c. No.	Remarks
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Area (in hectares)

16. Date on which possession was taken under section 38 (1) and 40 (1) of the Act.

If under section 40 (1), the number and date of the Order of Government giving authority to do so.

Date :

Signature.
